

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 21, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:05 a.m. The meeting was recessed by Mayor Golding at 12:05 p.m. to reconvene at 3:00 p.m. The meeting was reconvened by Mayor Golding at 3:15 p.m. with Council Members Roberts, Stevens, and Vargas not present. Mayor Golding simultaneously convened the Redevelopment Agency and Council at 4:05 p.m. Mayor Golding thanked Council Member Kehoe and her staff, City Manager Jack McGrory, City Staff, and members of the Police Department for their help in facilitating a very productive and smooth weekend. Also, Mayor Golding thanked the dedicated citizens of City Heights Partnership for their patience. Mayor Golding announced that there will be a City Council Meeting on Thursday, October 13, 1994, at 5:00 p.m. at Wilson Academy to look at recommendations. Mayor Golding reported that another \$100 million in V.L.F. was put on the table. As of late today, it is now off the table and that the Budget Conference Committee will be meeting again on Monday, June 27, 1994. Mayor Golding adjourned the meeting at 5:35 p.m. to meet in Closed Session in the 12th floor Conference Room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-Present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour/Fishkin (rb/ec)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:
(M) Mayor Golding-present
(1) Council Member Mathis-present

- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-10: REFERRED TO THE CITY MANAGER

Comments by Sy Forman regarding the rezoning of Carmel Valley. On November, 1993, City Council approved an amendment to the Carmel Valley Master Plan rezoning the property on Valley Center Drive, next to the Doubletree Hotel, from Employment Center Office Buildings to Specialized Commercial. Mr. Forman wants the City Council to take action necessary to rezone the property back to an Employment Center. If Council cannot do this before the July Coastal Commission meeting, Mr. Forman asks for a continuance of this item until the Coastal Commission meets again in Southern California, or to pull the item from the agenda.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A020-077.)

COUNCIL COMMENT:

ITEM-CC-1:

None.

ITEM-202:

SUBJECT: Convention Center Expansion.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1947) ADOPTED AS RESOLUTION R-284126

Authorizing a Memorandum of Understanding with the San Diego Unified Port District concerning the expansion of the San Diego Convention Center.

CITY MANAGER SUPPORTING INFORMATION:

This MOU will provide that the City is responsible for the planning, design and construction of the Convention Center expansion. The Port and the City will create a Joint Powers Authority to issue the bonds for the expansion and the City will be financially liable for ensuring payment of the bonds. The Port will contribute \$4.5 million per year for up to twenty years to assist in the payment of debt service on the bonds. The City will assume the remainder of the obligation. The Port will lease the site to the City. The current Operating Agreement between the Port and the City will be amended to reflect the MOU and the expansion. The Program Manager's contract has been approved by the Port and the RFP for an environmental consultant has been prepared and will be considered by the Port in the next thirty days. Woodward and Clyde are doing soils and geotechnical work on the site. The City Manager has hired a project manager to oversee and coordinate the expansion.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F568-G075.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION REVISING THE SECOND PARAGRAPH ON PAGE 5 OF THE MOU TO READ AS FOLLOWS:

"...ISSUED SUBSEQUENT TO THE DATE OF THIS MOU. ANY TIME THE PORT DISTRICT CONTEMPLATES ISSUING LEASE OBLIGATIONS, THE PORT DISTRICT SHALL EVALUATE THE IMPACT AS A NEW PORT DISTRICT OBLIGATION ON THE CITY'S OBLIGATIONS AND DETERMINE THAT IT WILL NOT IMPAIR THE PORT DISTRICT'S ABILITY TO MAKE ITS ANNUAL CONTRIBUTION TO THE CITY.". Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-211:

SUBJECT: Selected Consultant for Metropolitan Wastewater District Owner-Controlled Insurance Program.
(See City Manager Report CMR-94-155.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1801) ADOPTED AS RESOLUTION R-284112

Authorizing an agreement with Sedgwick James of California, Inc. for administrative services in connection with the owner-controlled insurance program for the Metropolitan Wastewater Department (formerly Clean Water Program);

Authorizing the transfer of all of the following amounts to Clean Water Revenue Fund 41509, Program Element 70731, Object Account 4151:

\$483,780 from Sewer Revenue Fund 41506, Unallocated Reserve Program Element 70697;

\$34,916 from CIP-42-910.1, North City Water Reclamation Plant;

\$457 from CIP-46-122.0, Carmel Valley Trunk Sewer;

\$3,657 from CIP-45-911.0, South Metro Interceptor;

\$37,029 from CIP-46-134.0, Point Loma South Effluent Outfall Connection;

\$4,571 from CIP-46-177.0, Point Loma Sedimentation Basins 11 and 12;

Authorizing the expenditure of an amount not to exceed \$2,431,277 to provide funds for the above project, to be expended as follows:

\$564,410 from Fiscal Year 1994 appropriations, Clean Water Program Revenue Fund 41509, Program Element 70731, Object Account 4151;

\$503,131 from Fiscal Year 1996 appropriations, contingent on Council appropriation of funds for this purpose in the FY 1996 Metropolitan Wastewater Department Operation and Maintenance Budget;

\$523,256 from Fiscal Year 1997 appropriations, contingent on Council appropriation of funds for this purpose in the FY 1997 Metropolitan Wastewater Department Operation and Maintenance Budget;

\$544,186 from Fiscal Year 1998 appropriations, contingent on Council appropriation of funds for this purpose in the FY 1998 Metropolitan Wastewater Department Operation and Maintenance Budget;

\$296,294 from Fiscal Year 1999 appropriations, contingent on Council appropriation of funds for this purpose in the FY 1999 Metropolitan Wastewater Department Operation and Maintenance Budget;

Authorizing the execution of contract(s) with insurance providers as identified by Sedgwick James of

California, Inc. to provide workers compensation, general liability, builders risk, and excess liability insurance in City public works contracts for a period of 5 years, provided that with the execution of the public works contracts the City Auditor and Comptroller also certifies that funding exists for the insurance contracts.
Aud. Cert. 9401173.

FILE LOCATION: MEET CCONT FY94-1

COUNCIL ACTION: (Tape location: B171-237.)

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Mid-City Landscape and Lighting Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (Mid-City, Greater North Park Community Areas. Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing establishes the annual assessments for the ten subdistricts in the Mid-City Landscape and Lighting Maintenance District. The district provides for maintenance of the street trees, landscaped medians, and benches. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 78,075
Personnel	24,681
Utilities	12,918
Incidentals	42,171
Total Expenses	\$157,845
Reserve	50,807
Total	\$208,652
Less Carry-over & Interest	(80,507)

Less City Contribution (3,279)
Assessed to District \$124,866

The assessments per frontage foot for each subdistrict is
tabulated below:

	1	2	3	4	5	6	7	8	9	10
FY'95	\$9.34	\$6.99	\$18.78	\$5.14	\$5.25	\$22.65	\$10.53	\$6.74	\$4.31	\$4.60
FY'94	\$9.34	\$6.82	\$18.78	\$5.14	\$5.25	\$22.65	\$10.53	\$6.74	\$2.32	\$4.60
% Increase	0	2.5	0	0	0	0	0	0	85.8	0

The changes in assessments are due to low carry-over resulting
from replacing damaged trees and enlarged service area within an
existing subdistrict.

FILE LOCATION: STRT M-314

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

ITEM-331: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony
relating to establishing the annual assessments for the
San Diego Street Light Maintenance District No. 1.
Council will take action at the subsequent hearing
scheduled for July 12, 1994 at 10:00 a.m.
(City-Wide.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing establishes the annual assessments for
the San Diego Street Lighting Maintenance District No. 1. The
district provides street light energy and maintenance for 54
subdistricts with lighting levels above standard City "safety"
lighting. As part of this action, it is proposed that the
district boundaries be amended to include portions of land
adjacent to the Crown Point No. 1 subdistrict and the Five Points
No. 1 subdistrict. In each case the land to be annexed has been
consolidated from smaller parcels of land previously included in
each subdistrict. These properties have been developed into
condominium complexes which now benefit from the existing
district lighting. All property owners within these parcels were
notified of these proposed annexations. The proposed FY '95 and
prior year costs to the district are as follows:

	FY '95	FY'94
Electrical Energy	\$ 255,000	\$ 200,000

Maintenance - Operation	300,000	300,000
Maintenance - Major Repair & Paint	300,000	300,000
Centre City Maintenance Program	11,500	11,500
Engineering & Miscellaneous	135,750	135,750
Total Expenses	\$1,002,250	\$ 947,250
Total Fund Balance	498,643	501,468
Total Expenses & Fund Balance	\$1,500,893	\$1,448,718
Less Carry-Over & Interest	(736,625)	(761,577)
Less City Contribution & Gas Tax	(344,268)	(322,142)
Assessed to District	\$ 420,000	\$ 365,000

The proposed assessment to the district for FY '95 is \$420,000 compared with \$365,000 for FY '94. The increase is a result of anticipated higher electrical energy costs due to the conversion to high pressure sodium lights and adjustments to the fund balance. Assessments vary depending on the number and type of lights in each subdistrict. The average assessment to a parcel with 50 feet of street frontage is \$.40 per linear foot or \$20 for FY '95.

FILE LOCATION: STRT M-317

COUNCIL ACTION: (Tape location: A177-440.)

Hearing began at 10:21 a.m. and halted at 10:38 a.m.

Testimony in opposition by C. L. Novotney.

ITEM-332: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Otay International Center Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

A petition to form a landscape maintenance district for Otay International Center was signed by the owners of 71 percent of the property area involved. This action proposes to establish the Otay International Center Landscape Maintenance District. It also establishes the annual assessments for the district. The district will provide maintenance for the landscaped medians and

streetscapes within the district boundaries. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$200,000
Personnel	38,547
Utilities	100,100
Incidentals	42,552
Total Expenses	\$381,199
Reserve	35,123
Total	\$416,322
Less Carry-over & Interest	0
Less City Contribution	(8,900)
Assessed to District	\$407,422

The proposed assessment for Fiscal Year 1995 is \$1,285 per parcel acre. Fiscal Year 1995 is the first year assessments are being levied for this district.

FILE LOCATION: STRT M-316

COUNCIL ACTION: (Tape location: A442-496.)

Hearing began at 10:39 and halted at 10:42 a.m.

Testimony in favor by Mike Volt and Paul Robinson.

Testimony in opposition by Pedro Rivera.

ITEM-333: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the San Ysidro Boulevard Landscape Maintenance District No. 2. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing proposes to establish the San Ysidro Boulevard Landscape Maintenance District No. 2, which is located on San Ysidro Boulevard between I-805 and Front Street. The district will provide maintenance for the landscaping improvements proposed to be installed as part of the street widening project on San Ysidro Boulevard from Smythe Avenue to Border Village Road. The inclusion of the landscaping

improvements in the project is contingent on the establishment of the Landscape Maintenance District. The construction project is currently scheduled to start in June 1994, and to be completed in June 1995. A survey of the property owners within the proposed district indicated that there was some opposition to the establishment of the district. If the district is established, no maintenance operations would be needed in Fiscal Year 1995. Consequently, no assessments are to be levied to the district for Fiscal Year 1995. Assessments will start in Fiscal Year 1996. Based on current data, the approximate assessments will be \$38,499 and will be confirmed at a later date. The assessment amount corresponds to \$7.68 per frontage foot.

FILE LOCATION: STRT M-318

COUNCIL ACTION: (Tape location: A497-B005.)

Hearing began at 10:43 a.m. and halted at 10:49 a.m.

Testimony in opposition by Muriel Watson, Alberto Garcia, and Gloria Schiff.

ITEM-334: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Miramar Ranch North Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing establishes the annual assessments for the Miramar Ranch North Landscape Maintenance District. The district was established in 1987. The landscaping improvements that are being provided by the developer will benefit areas that are outside the boundaries of the district as initially established. The adjoining benefitting areas are proposed to be added to the district through annexation. The developer currently maintains all existing landscaping improvements until they are turned over to the district. No landscaping improvements are to be maintained by the district in Fiscal Year 1995. Consequently, there will be no assessment to the district

for Fiscal Year 1995.

FILE LOCATION: STRT M-315

COUNCIL ACTION: (Tape location: B009-045.)

Hearing began at 10:50 a.m. and halted at 10:53 a.m.

Testimony in favor by Jim Dawe.

Testimony in opposition by Susan Lay.

ITEM-335: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Scripps Miramar Ranch Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing proposes annexation of territory to the existing district and establishes the annual assessments for the Scripps Miramar Ranch Landscape Maintenance District. The district provides maintenance for landscape medians and open space within the district. The landscaping improvements maintained by the district will benefit certain areas that are outside the current boundaries of the district. These adjoining benefitting areas are proposed to be added to the district through annexation. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$308,200
Personnel	51,395
Utilities	46,000
Incidentals	55,576
Total Expenses	\$461,171
Reserve	45,000
Total	\$506,171
Less Carry-over and Interest	(54,341)
Less City Contribution	(11,412)
Assessed to District	\$440,418

The proposed unit assessment for Fiscal Year 1995 prior to

proposed annexations is \$75.06. If the annexations are implemented and included in the assessment base, the unit assessment will be \$59.75. This proposed annexation was brought before Council last year with a unit assessment (for FY' 94) of \$41.93. The unit proposed assessment for last year was calculated on the basis of the annexation being approved with no other option. However, property owner opposition caused the annexation to fail. Therefore, the increase is because of the short fall in revenue last year and new areas being added to the district.

FILE LOCATION: STRT M-319

COUNCIL ACTION: (Tape location: B058-168.)

Hearing began at 10:54 a.m. and halted at 11:03 a.m.

Testimony in opposition by John Montanile and Kim Elliott.

Testimony in favor by Bob Dingeman and Roger Liles.

ITEM-336: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Adams Avenue (Felton Street to Mansfield Street) Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing proposes to establish the Adams Avenue (Felton Street to Mansfield Street) Landscape Maintenance District between Felton Street and Mansfield Street. At the same time, it also establishes the annual assessments for the landscape maintenance district for Fiscal Year 1995. The facilities to be maintained by the district include street trees and irrigation facilities on Adams Avenue between Felton Street and Mansfield Street. The district will be administered by the Adams Avenue Business Association (AABA) in accordance with Section 65.0209.5 of the San Diego Municipal Code, with an agreement between the City and the AABA which was scheduled for

Council approval in June 1994. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 3,000
Utilities	900
Incidentals	3,600*
Total Expenses	\$ 7,500
Reserve	2,000
Total	\$ 9,500
Less AABA Contribution	(3,000)**
Assessed to District	\$ 6,500

* Incidentals includes \$500 (AABA) administration fees, \$600 nursery stock, and \$2,500 for administration costs by the City's Special Districts Section.

** This amount is to be financed by AABA through Business License Fees. The assessments are based on the frontage along Adams Avenue equal to 2,050 linear feet. The proposed unit assessment for Fiscal Year 1995 is \$3.17 per frontage foot of parcel. Fiscal Year 1995 is the first year assessments are being levied for this district.

FILE LOCATION: STRT M-321

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

ITEM-337: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Del Mar Terrace Street Repair and Maintenance District. Council will take action at the subsequent hearing scheduled for July 12, 1994 at 10:00 a.m. (Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

FILE LOCATION: STRT M-332

COUNCIL ACTION: (Tape location: B350-C373.)
Hearing began at 11:17 a.m. and halted at 12:00 p.m.

Testimony in opposition by Cyrus P. Morgan, Richard Burns, Kathleen McCormick, David Hooper, Beth Ford, Harold Edyburn, and Therese Tanalski.

Testimony in favor by Robert Leif, Bernard Fink, Shirley Smith, Burl Howard, Nancy Marincovich, Wayne Dunlap, Valerie Sullivan, and Ellen Bryson.

ITEM-338: CONTINUED TO TUESDAY, JUNE 28, 1994

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Downtown Maintenance District. Council will take action at the subsequent hearing scheduled for July 26, 1994 at 10:00 a.m.
(Centre City Community Area. Districts-2,3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing establishes the annual assessments for the Downtown Maintenance Assessment District which was formed in January of 1972 by Council resolution. The district provides specialized services such as litter and graffiti control, street tree maintenance and sidewalk cleaning to individual zones within the district as well as maintaining a system of open space/parks. It is proposed that the Gaslamp Square Park be incorporated into the open space/parks zone of the district. This park, located at the southwest corner of Fifth and "L" Streets, is now under construction and is expected to be completed in September of 1994. The estimated FY '95 maintenance cost for the Gaslamp Square Park is \$30,000. The Assessment Engineer has determined that the Downtown Maintenance Assessment District will benefit from 40 percent of this park, with the remaining benefits received by the Gaslamp District (20 percent) and the City (40 percent). It is recommended that the annual maintenance costs for the park be paid by those receiving benefit in these proportions, a proposal which has been endorsed by the Downtown Partnership Association, the Gaslamp Quarter Association, and the City Park and Recreation Department. The estimated FY '95 maintenance cost to the Downtown Maintenance Assessment District for the Gaslamp Square Park is \$12,000. The total amount proposed to be assessed to the district for FY 1995 is \$689,141 compared to \$862,160 for FY 1994. This amount reflects FY '95 savings in personnel expenses. A current and prior year cost breakdown for each of the six zones is as follows:

Zone	Street Trees	"C" St. Mall	Litter/ Graffiti	Horton Plaza	East Broadway	Open Space Parks
Total						
FY '95	\$108,066	\$131,914	\$348,476	\$51,729	\$34,388	\$14,568

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FILE LOCATION: STRT M-312

The second public hearing establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides landscaping, tree maintenance, sidewalk litter control, graffiti removal as well as electrical energy and maintenance for the ornamental street lights within the district. It is proposed that the district pay for a portion of the maintenance for the Gaslamp Square Park located at the southwest corner of Fifth and "L" Streets. The park is now under construction and is expected to be completed in September of 1994. The estimated FY '95 maintenance cost for the Gaslamp Square Park is \$30,000. The Assessment Engineer has determined that the Gaslamp Quarter Landscape and Lighting District benefits from 20 percent of this park, with the remaining benefits received by the Downtown Maintenance Assessment District (40 percent) and the City (40 percent). It is proposed that the annual maintenance costs for the park be paid by property owners receiving benefit in the above proportions, a proposal which has been endorsed by the Gaslamp Quarter Association, the Downtown Partnership Association, and the City Park and Recreation Department. The estimated FY '95 maintenance cost to the

district for this park is \$6,000. The total annual assessment to the district for FY '95 is proposed to be \$349,239 compared with \$291,447 for FY '94. The FY '95 assessment increase is a result of a reduction in the carry-over and interest balance which was, at the request of the community, used to lower FY '94 assessments. Individual assessments in this district vary depending on the level of service provided, the number of stories in a building, and the greater of either the area of the building or parcel lot size. Assessments to individual parcels for FY '95 are proposed to be \$.40/sq.ft. to parcels receiving the maxi-service and \$.09/sq.ft. to parcels receiving the mini-service.

FILE LOCATION: STRT M-313

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

ITEM-340: HEARING HELD

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the San Ysidro Boulevard Landscape Maintenance District No. 1. Council will take action at the subsequent hearing scheduled for July 26, 1994 at 10:00 a.m. (San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The second public hearing establishes the annual assessments for the San Ysidro Landscape Maintenance District No. 1. The district provides maintenance for the landscaping, decorative pavement, decorative sidewalk and street amenities such as bollards, benches and planter boxes. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$17,500
Personnel	7,711
Utilities	1,325
Incidentals	9,739
Total Expenses	\$36,275
Reserve	19,411
Total	\$55,686
Less Carry-over and Interest	(31,524)

Less City Contribution (343)
Assessed to District \$23,819

The assessments are based on the frontage along San Ysidro Boulevard. The proposed unit assessment for Fiscal Year 1995 is \$16.80 per frontage foot of parcel, the same as for Fiscal Year 1994. Nine City-owned properties with a total frontage of 448 feet have been converted to public right-of-way, resulting in the trailer park parcel (APN 666-380-19-00) now fronting the road. Therefore, it is recommended that the trailer park parcel be annexed to the district. It is proposed that the trailer park be assessed starting in Fiscal Year 1996.

FILE LOCATION: STRT M-339

COUNCIL ACTION: (Tape location: C378-C481.)

Hearing began at 12:01 p.m. and halted at 12:05 p.m.

Testimony in opposition by Muriel Watson and Fred Sobke.

ITEM-341:

SUBJECT: Bay Terraces Landscape Maintenance District Areas 1 and 5.
(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1635) ADOPTED AS RESOLUTION R-284113

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of Areas 1 and 5 in the Bay Terraces Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Bay Terraces Landscape Maintenance District. The district provides for the maintenance of 4 acres open space. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

	Area 1	Area 5	Total
Contractual Maintenance	\$13,500	\$ 4,200	\$17,700
Personnel	2,571	2,571	5,142
Utilities	2,575	0	2,575
Incidentals	3,762	3,036	6,798

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Total Expenses	\$22,408	\$ 9,807	\$32,215
Reserve	7,752	7,496	15,248
Total	\$30,160	\$17,303	\$47,463
Less Carry-over & Interest	(7,062)	(7,112)	(14,174)
Less City Contribution	(50)	(50)	(100)
Assessed to District	\$23,048	\$10,141	\$33,189

For Area 1, the annual assessment for Fiscal Year 1995 is \$65.85 per dwelling unit, the same as Fiscal Year 1994. For Area 5, the annual assessment for Fiscal Year 1995 is \$105.64 per dwelling unit, the same as Fiscal Year 1994. The district consists of Areas 1 and 5 only.

FILE LOCATION: STRT M-322

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342:

SUBJECT: Calle Cristobal Landscape Maintenance District.
(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1638) ADOPTED AS RESOLUTION R-284114

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Calle Cristobal
Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Calle Cristobal Landscape Maintenance District. The district was established in 1987 to provide maintenance for landscaped medians, streetscapes, and the street side of the sound attenuator wall along Calle Cristobal within the district boundaries. In Fiscal Year 1995, certain landscaping improvements within Zone 1 only will be maintained by the

district. The developer will continue to provide maintenance for the remainder of the existing landscaping improvements in Zones 1 and 2 until they are accepted and taken over by the district. The Fiscal Year 1995 proposed maintenance costs for Zone 1 of the district are as follows:

Contractual Maintenance	\$ 45,000
Personnel	12,849
Utilities	21,550
Incidentals	35,871
Total Expenses	\$115,270
Reserve	13,935
Total	\$129,205
Less Carry-over & Interest	(52,400)
Less City Contribution	(2,239)
Assessed to District	\$ 74,566

The assessment amount per dwelling unit for Zone 1 in Fiscal Year 1995 is \$62.05, the same as Fiscal Year 1994. No assessments are levied for Zone 2 for Fiscal Year 1995.

FILE LOCATION: STRT M-323

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343:

SUBJECT: Campus Point Landscape Maintenance District.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1651) ADOPTED AS RESOLUTION R-284115

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Campus Point
Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Campus Point Landscape Maintenance District. The district provides maintenance of 25 acres of open space. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$15,000
Personnel	5,139
Utilities	6,125
Incidentals	6,786
Total Expenses	\$33,050
Reserve	20,927
Total	\$53,977
Less Carry-over & Interest	(28,500)
Less City Contribution	(625)
Assessed to District	\$24,852

The proposed amount to be assessed to the district in Fiscal Year 1995 is \$425 per net acre. The assessment amount per acre in Fiscal Year 1994 was \$427. The thirteen parcels in the district range in size from 2.2 to 10.2 acres.

FILE LOCATION: STRT M-324

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344:

SUBJECT: Eastgate Technology Park Landscape Maintenance
District.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1654) ADOPTED AS RESOLUTION R-284116

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Eastgate Technology
Park Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Eastgate Technology Park Landscape Maintenance District. The district maintains landscaped center islands, streetscapes and open space areas within the district. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 95,000
Personnel	25,698
Utilities	25,350
Incidentals	25,371
Total Expenses	\$171,419
Reserve	26,834
Total	\$198,253
Less Carry-Over and Interest	(71,137)
Less City Contribution	(3,430)
Assessed to District	\$123,686*

Assessment for Fiscal Year 1995 is \$1,169 per net acre. The assessment in Fiscal Year 1994 was also \$1,169 per net acre.

FILE LOCATION: STRT M-325

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-345:

SUBJECT: La Jolla Village Drive Landscape Maintenance District.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1657) ADOPTED AS RESOLUTION R-284117

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the La Jolla Village Drive Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the La Jolla Village Drive Landscape Maintenance District. The district provides maintenance of the landscape medians along La Jolla Village Drive between I-5 and Regents Road. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 5,000
Personnel	5,139
Utilities	2,700
Incidentals	9,170
Total Expenses	\$22,009
Reserve	76,524
Total	\$98,533
Less Carry-over & Interest	(55,100)
Less City Contribution	(695)
Assessed to District	\$42,738

The proposed assessment for Fiscal Year 1995 is \$18.67 per dwelling unit, the same as Fiscal Year 1994.

FILE LOCATION: STRT M-327

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-346:

SUBJECT: Lopez Canyon Stormwater Retention Basin Maintenance
District.
(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1660) ADOPTED AS RESOLUTION R-284118

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Lopez Canyon
Stormwater Retention Basin Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Lopez Canyon Stormwater Retention Basin Maintenance District. The district provides maintenance for the storm drain retention basin and the related structures. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$1,500
Personnel	0
Utilities	0
Incidentals	2,500
Total Expenses	\$4,000
Reserve	3,127
Total	\$7,127
Less Carry-Over and Interest	(7,127)
Assessed to District	\$ 0

The carry-over amount from the previous year and the projected interest is \$7,127. The proposed expenditure to maintain the district including incidental expenses for Fiscal Year 1995 is \$4,000. The balance remaining in the district account (\$7,127) in Fiscal Year 1995 is sufficient to provide a continuing major maintenance reserve. Consequently, no assessments to the district are proposed for Fiscal Year 1995. The amount assessed to the district in Fiscal Year 1994 was also zero.

FILE LOCATION: STRT M-328

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-347:

SUBJECT: Mission Boulevard Landscape Maintenance District.
(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1663) ADOPTED AS RESOLUTION R-284119

Considering the protests, approving the modified map,

confirming the assessments, and ordering the proposed maintenance, in the matter of the Mission Boulevard Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Mission Boulevard Landscape Maintenance District. The district provides for the maintenance of approximately 200 trees and planter boxes along Mission Boulevard from San Diego Place to Pacific Beach Drive. The contractual maintenance is only for irrigation of the trees via the contractor's water trucks. All other maintenance services are provided by City personnel. This includes tree trimming, trash pick-up, weed and pest control, graffiti removal, plus tree and container replacement due to vandalism, weather, etc. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$18,653
Personnel	22,264
Incidentals	13,076
Total Expenses	\$53,993
Reserve	12,254
Total	\$66,247
Less Carry-over & Interest	(23,174)
Assessed to District	\$43,073

The annual assessment for Fiscal Year 1995 is \$11.49 per dwelling unit. The assessment for Fiscal Year 1994 was \$11.73.

FILE LOCATION: STRT M-330

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-348:

SUBJECT: First San Diego River Improvement Project (FSDRIP)
Landscape Maintenance District.
(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1666) ADOPTED AS RESOLUTION R-284120

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the First San Diego River Improvement Project Landscape Maintenance District. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot wide buffer zone running along and adjacent to the channel embankments. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$333,500
Personnel	34,853
Utilities	47,700
Incidentals	73,998
Total Expenses	\$490,051
Reserve	106,123
Total	\$596,174
Less Carry-over & Interest	(340,969)
Assessed to District	\$255,205*

Fiscal Year 1995 assessments are approximately \$70 for the condo units, and from \$288 to \$46,564 for the individual parcels compared to \$88 for condo units and from \$360 to \$58,000 for the individual parcels in Fiscal Year 1994. The decrease is due to the larger carry-over amount from the previous fiscal year.

FILE LOCATION: STRT M-326

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-349:

SUBJECT: Mira Mesa Landscape Maintenance District.
(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1669) ADOPTED AS RESOLUTION R-284121

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mira Mesa Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Mira Mesa Landscape Maintenance District. The district provides maintenance of landscaped and paved medians, slopes and streetscapes within Zone 1 and Zone 3 of the district. There is no maintenance within Zone 2 and consequently there is zero assessment. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

	Zone 1	Zone 3	Total
Contractual Maintenance	\$120,000	\$50,000	\$170,000
Personnel	20,561	10,279	30,840
Utilities	38,500	26,500	65,000
Incidentals	51,286	20,995	72,281
Total Expenses	\$230,347	\$107,774	\$338,121
Reserve	32,381	186,166	218,547
Total	\$262,728	\$293,940	\$556,668
Less Carry-over & Interest	(103,376)	(169,747)	(273,123)
Less City Contribution	(32,644)	-	(32,644)
Assessed to District	\$126,708	\$124,193	\$250,901

The FY '95 assessment amounts per dwelling unit for Zone 1 is \$3.83 and for Zone 3 is \$77.02, the same as FY '94.

FILE LOCATION: STRT M-329

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-350:

SUBJECT: Washington Street Landscape Maintenance District.
(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1672) ADOPTED AS RESOLUTION R-284122

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Washington Street Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

The Washington Street Landscape Maintenance District was established in July 1993. The maintenance district was established for the purpose of maintaining the landscaping improvements on the existing Washington Street center islands approximately 380 feet west of the University Avenue overpass and Hawk Street. The landscaping improvements will consist predominantly of various types of blossoming trees, shrubs and ground cover. The construction project along with the landscaping improvements are currently scheduled to be completed in June 1994. The landscaping maintenance will be funded by the City for approximately one year until July 1995, at which time the district will fund the maintenance operations. Consequently, there will be no assessment to the district for Fiscal Year 1995. Based on current estimates, the proposed total assessment for Fiscal Year 1996 will be approximately \$32,000, corresponding to approximately \$10 per dwelling unit.

FILE LOCATION: STRT M-331

COUNCIL ACTION: (Tape location: A160-167; B248-325.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO RECONSIDER THE ITEM. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Hearing began at 11:10 a.m. and halted a 11:15 a.m.

Testimony in opposition by Barbara Marsh.

MOTION BY ROBERTS TO ADOPT, CONTINUING AT ZERO DOLLARS FOR THE COMING YEAR. Second by Mathis. Passed by the following

vote: Mathis-yea, Roberts-yea, Kehoe-not present,
Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-351:

SUBJECT: Two actions related to Cost Reimbursement District
Formation - Entreken Way.
(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1894) ADOPTED AS RESOLUTION R-284123

Establishing the Entreken Way Cost Reimbursement
District; Setting the limiting period when assessed
costs are due and payable at 20 years;
Declaring that this resolution represents a lawful lien
enacted against each parcel.

Subitem-B: (R-94-1895 Cor.Copy) ADOPTED AS RESOLUTION
R-284124

Authorizing a Cost Reimbursement Agreement with the
Poway Unified School District, developer, relative to
the Entreken Way Cost Reimbursement District, and
setting the term of the reimbursement agreement for a
period of 20 years.

CITY MANAGER SUPPORTING INFORMATION:

The Poway Unified School District has obtained the necessary
approvals and is constructing a middle school in the Future
Urbanizing Area adjacent to the Rancho Penasquitos Community
boundary. As a condition of developing the school site, the City
required that the school district extend Entreken Way, a local
street designed to access the easterly portion of the Future
Urbanizing Area. In compliance with the City's requirement that
Entreken Way be extended, the school district acquired the
necessary right-of-way, constructed sewer, water and storm
drainage systems, provided street improvements, and installed
street lights. The current construction schedule anticipates a
July 1994 completion date for the extension of Entreken way. On
April 11, 1994, the City Council accepted the Poway Unified
School District's application to initiate proceedings for the
proposed Entreken Way Cost Reimbursement District and deferred

the public hearing process to consider formation of the district until June of this year. These proceedings allow the school district an opportunity to obtain partial reimbursement for costs associated with the Entreken Way extension from owners of other properties who would normally be responsible for providing a proportionate share of the public improvements. An Engineer's Report for the proposed cost reimbursement district has been prepared by staff as part of the public hearing process. The report identifies the cost of land acquisition, public improvements and incidental expenses to extend Entreken Way. The estimated total cost of constructing the extension of Entreken Way is \$668,697. The estimated total reimbursement engineering cost for this project is \$15,500. This report identifies the owner of Assessor's Parcel No. 306-041-20 as being responsible for a proportionate estimated share in the amount of \$345,071 for the construction and \$6,729 for cost reimbursement engineering. A Notice of Public Hearing was sent to all affected property owners a minimum of twenty (20) days prior to today's scheduled hearing.

FILE LOCATION: STRT CR-23

COUNCIL ACTION: (Tape location: A094-160.)

Hearing began at 10:13 a.m. and halted at 10:20 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-352:

SUBJECT: Matter of the appeal by Joel J. Cloud/Hester Granite
Company, of a Conditional Use Permit, CUP-94-0161.
(CUP-94-0161. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem-A and adopt Subitem-B to deny the appeal and
grant the permit:

Subitem-A: (R-95-379) ADOPTED AS RESOLUTION R-284127

Adoption of a Resolution declaring that DEP-89-1144 has
been previously reviewed and certified by Council in

connection with Resolution R-281140 (Phase II area of West Miramar Landfill).

Subitem-B: (R-94-2027) DENIED APPEAL, GRANTED PERMIT,
ADOPTED AS AMENDED AS RESOLUTION
R-284128

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 7 to 0 to recommend approval with modified conditions.

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

The Conditional Use Permit would allow the construction and operation of an asphalt extraction and concrete and asphalt batch plant at the West Miramar Landfill located at 5198 Convoy Street.

LEGAL DESCRIPTION:

The subject property is more particularly described as the southwest portion of NAS Miramar and is bounded on the west by Interstate 805, on the south by San Clemente Canyon, on the east by the Convoy Street access road, and on the north by the NAS Miramar operations.

FILE LOCATION: PERM - CUP-94-0161

COUNCIL ACTION: (Tape location: D019-480.)

Hearing began at 3:16 p.m. and halted at 3:49 p.m.

Testimony in favor by Arnold Veldkamp, Jacob Bronmer, and Phillip Hinshaw.

Testimony in opposition by Lynne Heidel, Joel Cloud, Paul Robinson, Ray Emly Jr., Robert Emler, Allen Jones, and Roger Lindroth.

MOTION BY WARDEN TO ADOPT SUBITEM A AND ADOPT SUBITEM B TO DENY THE APPEAL AND GRANT THE PERMIT AS AMENDED TO: 1) CHANGE THE HOURS OF OPERATION TO START AT 5:00 A.M. AND END AT 8:00 P.M.; 2) ADD AS CONDITIONS 17, 18, AND 19 OF ERNIE FREEMAN'S MEMO DATED JUNE 21, 1994; 3) CHANGE THE TERM OF THE CUP TO 20 YEARS; 4) OFFER A CONTRACT TO LOCAL COMPANIES

WITHIN THE SAN DIEGO REGION FIRST; HOWEVER, IF THE COMPANY CANNOT FIND ONE AT A COMPETITIVE PRICE, THEY ARE PERMITTED TO GO TO THE CITY MANAGER FOR PERMISSION TO SEEK A COMPANY OUTSIDE OF THE SAN DIEGO REGION; 5) SHIELD ANY LIGHTING THAT WILL BE ADDED IN THAT AREA; AND 6) HAVE THE CITY MANAGER RESPOND AND RETURN TO PF&R COMMITTEE OR COUNCIL THE QUESTION OF WHETHER OR NOT COUNCIL CAN REQUIRE THAT THE PLANT BE PUT OUT FOR A COMPETITIVE BID. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-353: CONTINUED TO MONDAY, JUNE 27, 1994

SUBJECT: Refunding of Outstanding Assessment District Bonds -
First San Diego River Improvement Project (FSDRIP)
Assessment District No. 4007 (Zone A).
(Mission Valley Community Area. District-6.)
(Continued from the meeting of May 17, 1994, Item 331,
at the City Attorney's request, for further review.)

TODAY'S ACTION IS:

First public hearing for the purpose of receiving public testimony. Council will take action at the subsequent hearing scheduled for Tuesday, July 5, 1994 at 10:00 a.m.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing.

FILE LOCATION: STRT D-2256

COUNCIL ACTION: (Tape location: A078-093.)

MOTION BY STALLINGS TO CONTINUE THE ITEM TO MONDAY, JUNE 27, 1994, AS REQUESTED BY THE CITY ATTORNEY'S OFFICE. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-354:

SUBJECT: Community Facilities District (CFD) No. 1, Miramar
Ranch North - Fund Transfers.
(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1914) CONTINUED TO JUNE 28, 1994

Determining that a Termination Event as described in Section 9.06B of the Bond Indenture for Community Facilities District No. 1 has not occurred;
Authorizing the City Manager to direct the Trustee to release monies within the Escrow Subaccount to the Bond Interest and Redemption Account.

CITY MANAGER SUPPORTING INFORMATION:

On the July 20, 1991 Bond Closing Date, as provided in the Bond Indenture, certain proceeds from CFD No. 1 Series A bonds equal to approximately 2.75 times the annual debt service were deposited into an Escrow Subaccount. This Escrow Subaccount was created and funded as an Underwriter consideration of sale due to the financial condition of BCE Development Corporation (BCED), the Canadian general partner with the developer, McMillin Scripps, Inc., in the Miramar Ranch North Development project. The original deposit, \$9,128,395.31, remains in the Escrow Subaccount. Per the Bond Indenture, all monies remaining in the Escrow Subaccount on July 15, 1994 are to be transferred to the designated redemption account within the district's Special Tax Fund. However, if on or before this date, the developer satisfies a "Termination Event" as described in the Bond Indenture, these monies would be transferred to the Construction Account to reimburse the developer for the cost and expense of certain public facilities. Absent a "Termination Event" these monies are to transfer to the Redemption Account. On May 20, 1994, the City received documentation in the form of an unqualified opinion on BCED's 1993 audited financial statements from Deloitte & Touche. The developer asserted that this would indicate that a "Termination Event" had occurred. The Underwriter for CFD No. 1 has reviewed this documentation and concluded that there is insufficient justification to substantiate that a "Termination Event" has been satisfied. Additional documentation from the developer has not changed the Underwriter's opinion and the Bond Counsel's opinion. Under these circumstances and based upon information available to staff at the time this report was prepared, the City Attorney, the City Auditor and Comptroller, and the City Manager concur with this conclusion. The developer has been advised in writing of the City staff recommendation and of today's scheduled docket date to consider this matter and may present additional information at that time regarding a possible "Termination Event". With council approval, staff will inform the Trustee for CFD No. 1 that all

monies on deposit in the Escrow Subaccount are to be used to call bonds.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B327-335; D481-E116.)

Item trailed to the afternoon session at the request of the City Attorney's office.

MOTION BY McCARTY TO CONTINUE TO JUNE 28, 1994 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-not present, Warden-Ineligible, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-355:

SUBJECT: FY 1995 Redevelopment Agency Budget - Reloan from Linda Vista Project to College Grove Project.
(Districts-4, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1900) ADOPTED AS RESOLUTION R-284125

Accepting a loan repayment of \$40,000 from the Linda Vista Redevelopment Project;
Amending the FY 1995 budget of the contribution to the Redevelopment Agency Fund to include \$40,000;
Authorizing the reloan of \$40,000 to the College Grove Redevelopment Project.

CITY MANAGER SUPPORTING INFORMATION:

This action will accept the repayment of \$40,000 to the City from the Linda Vista Shopping Center Redevelopment Project and authorize the reloan of that same amount to the College Grove Shopping Center Redevelopment Project. The funds will be used to help pay for insurance, audit, accounting, data processing and other mandated costs incurred in the administration of the College Grove Project. Although some College Grove tax increment funds will be available for Agency use in FY 1995, the estimated amount will not be sufficient to cover all required costs. Most tax increment funds generated by the College Grove Project are

still earmarked for repayment of developer costs, reimbursement to the County, and set-aside for low and moderate income housing. In addition, the loan will establish the debt necessary for the Redevelopment Agency to receive and use a portion of the tax increment revenues in the future, as debt to the developer is reduced.

Aud. Cert. 9401216.

NOTE: See the Redevelopment Agency Agenda of June 21, 1994 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A094-160.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-356: DISCUSSION HELD

SUBJECT: San Diego Area Wastewater Management District.
(See City Manager Report CMR-94-163.)

CITY COUNCIL'S RECOMMENDATION:

Consider the following matter, which has been docketed according to the direction of the City Council on 5/17/94. (On 5/17/94, Council voted 9-0 to adopt Resolution R-283932 which established the timeline for the resolution of participation in the District):

Discussing and determining whether the City of San Diego will remain a member of the San Diego Area Wastewater Management District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G076-174.)

ITEM-357:

SUBJECT: City Heights Crime and Economic Summit.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1785) ADOPTED AS RESOLUTION R-284129

Accepting the Special Report on the City Heights Crime and Economic Summit, which includes recommendations from the Summit and a time line and schedule for additional outreach and community review.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F126-567.)

MOTION BY KEHOE TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Approving the Southeastern Economic Development Corporation, Inc. Annual Administrative Budget for FY 1994-1995.
(See memorandum from SEDC dated 6/21/94.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1951) ADOPTED AS RESOLUTION R-284130

Approving the Southeastern Economic Development Corporation, Inc. Annual Administrative Budget for FY 1994-1995;
Approval of this budget constitutes authority for the expenditure of available funds in Fiscal Year 1994/1995, so long as funds are available from the tax increment generated by projects; from land sale proceeds; from allocation of funds by the Council of the City from such sources as Community Development Block Grants, sales tax or others; and from the allocation of funds by such entities as the Economic Development Administration and others;
Authorizing the City Auditor and Comptroller to a) establish the necessary accounts, b) appropriate and allot all monies available in each project fund up to the amounts budgeted, and c) record the expenditure of

funds and the recovery of all accrued costs subject to the amount of revenues available in each project fund; Authorizing the SEDC's President, or designee, to request the City Auditor and Comptroller to make budgetary transfers between the line items in accordance with Section 1.06 of the Operating Agreement with the City and SEDC.

NOTE: See the Redevelopment Agency Agenda of June 21, 1994 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E119-F125.)

MOTION BY KEHOE TO ADOPT A, B, C, AND D OF THE CCDC BUDGET AND ITEM S500. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:35 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G179).